

EEOC Form 5 (5/01)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA  
☒ EEOC
**210-2005-06528****Illinois Department Of Human Rights**

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

**Ms. Silvina Delgado**

Home Phone No. (Incl Area Code)

**(773) 745-0720**

Date of Birth

**12-26-1970**

Street Address

City, State and ZIP Code

**2434 N. Linder, Chicago, IL 60639**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**SHRINER'S HOSPITAL**

No. Employees, Members

**201 - 500**

Phone No. (Include Area Code)

**(773) 622-5400**

Street Address

City, State and ZIP Code

**2211 North Oak Park Avenue, Chicago, IL 60707**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☒ NATIONAL ORIGIN  
☒ RETALIATION ☐ AGE ☒ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**02-21-2005****06-22-2005**☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I began employment at Respondent in November 2004 as an appointment coordinator. Since in or about February 2005, my supervisor began telling my co-worker and I that we were not allowed to speak Spanish. I submitted a written complaint to Human Resources on March 4, 2005. My supervisor claimed that it was a misunderstanding, however, she started retaliating against my co-worker and I. On June 15, 2005, my co-worker and I were written up for speaking Spanish although it did not interfere with our job duties. On June 16, 2005, I requested a medical leave of absence and submitted a doctor's statement. I was told that I had to apply for a personal leave which was subsequently denied. On June 23, 2005, I requested my hours be adjusted for therapy which was recommended by my doctor. On June 24, 2005, I was accused of insubordination by the hospital director and threatened that I would be replaced if I took off work for therapy.

I believe I have been discriminated against on the basis of my national origin, Hispanic, and retaliation, in violation of Title VII of the Civil Rights Act of 1964, as amended. I also believe that I have been discriminated against on the basis of disability, in violation of the Americans with Disabilities Act of 1990.

RECEIVED EEOC

JUN 30 2005

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

Jun 30, 2005

Date

Charging Party Signature

EXHIBIT

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JUDGE ZAGEL  
MAGISTRATE JUDGE BROWN

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Chicago District Office**

500 West Madison St., Suite 2800  
Chicago, IL 60661  
PH: (312) 353-2713  
TDD: (312) 353-2421  
ENFORCEMENT FAX: (312) 886-1168  
LEGAL FAX: (312) 353-8555



EEOC Charge No. 210-2005-06528

Silvina Delgado  
2434 N Linder  
Chicago, IL 60639

Charging Party

Shriner's Hospital  
2211 N Oak Park Avenue  
Chicago, IL 60707

Respondent

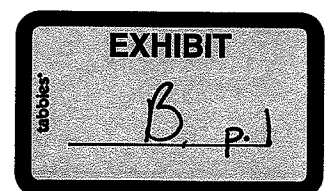
**DETERMINATION**

Under the authority vested in me by the Procedural Regulations of the Equal Opportunity Commission (EEOC), I issue the following determination on the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended (Title VII), and under the Americans with Disabilities Act of 1990 (ADA).

The Respondent is an employer within the meaning of the Title VII and the ADA.

Charging Party alleged that she was discriminated against based on her national origin, Hispanic, in that she was not allowed to speak Spanish in the workplace, in violation of Title VII. Charging Party further alleges that she was retaliated against for engaging in protected activity and discriminated against because of her national origin, Hispanic, and because of her disability by being issued a written warning, being denied unpaid leave, and being threatened with discharge, in violation of Title VII and the ADA.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against Charging Party based on her national origin, Hispanic, by subjecting her to different terms and conditions of employment, in violation of Title VII, and retaliated against her by issuing her a written warning, and denying her unpaid leave, in violation of Title VII.



EEOC Charge No. 210-2005-06528  
Page 2 of 2

I have further determined that Respondent retaliated against Charging Party for engaging in protected activity and discrimination against Charging Party based on her national origin, Hispanic, by subjecting her to different terms and conditions of employment, in violation of Title VII. Like and related to the allegations, and arising during the course of the investigation, the evidence also shows that Respondent discriminated against Charging Party based on her national origin, Hispanic and based on retaliation for engaging in protected activity by terminating her employment, in violation of Title VII.

This determination is final. When the Commission finds that violations have occurred, it attempts to eliminate unlawful practices by informal methods of conciliation. Therefore, I invite the parties to join with the Commission in reaching a just resolution of this matter. Disclosure of information obtained by the Commission during the conciliation process will be made only in accordance with the Commission's Procedural Regulations (29 CFR Part 1601.26). If the Respondent wishes to accept this invitation to participate in conciliation efforts, it may do so at this time by proposing terms for a conciliation agreement; that proposal should be provided to the Commission representative within 14 days of the date of this determination. The remedies for violations of the statutes we enforce are designed to make the identified victims whole and to provide corrective and preventive relief. These remedies may include an agreement by the Respondent to cease engaging in unlawful employment practices, placement of identified victims in the positions they would have held but for the discriminatory actions, back pay, restoration of lost benefits, injunctive relief, compensatory and/ or punitive damages, and notice to employees of the violation and the resolution of the claim.

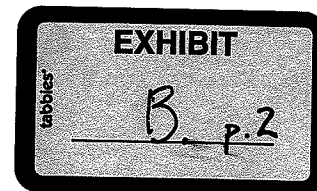
Should the Respondent have further questions regarding the conciliation process or the conciliation process or the conciliation terms it would like to propose, we encourage it to contact the assigned Commission representative. Should there be no response from the Respondent in 14 days, we may conclude that further conciliation efforts would be futile or nonproductive.

On behalf of the Commission,

7-31-07  
Date

John P. Rowe  
John P. Rowe  
District Director

Investigator: Percile Bryant Jr.



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**NOTICE OF RIGHT TO SUE**  
(CONCILIATION FAILURE)

To: **Silvina Delgado**  
2434 N. Linder  
Chicago, IL 60639

From: **Chicago District Office**  
500 West Madison St  
Suite 2800  
Chicago, IL 60661

CERTIFIED MAIL 7099 3400 0018 8814 8075



On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

210-2005-06528

**Percile Bryant,**  
Investigator

(312) 353-8180

**TO THE PERSON AGGRIEVED:**

This notice concludes the EEOC's processing of the above-numbered charge. The EEOC found reasonable cause to believe that violations of the statute(s) occurred with respect to some or all of the matters alleged in the charge but could not obtain a settlement with the Respondent that would provide relief for you. In addition, the EEOC has decided that it will not bring suit against the Respondent at this time based on this charge and will close its file in this case. This does not mean that the EEOC is certifying that the Respondent is in compliance with the law, or that the EEOC will not sue the Respondent later or intervene later in your lawsuit if you decide to sue on your own behalf.

**- NOTICE OF SUIT RIGHTS -**

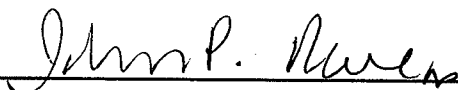
(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



**John P. Rowe,**  
District Director

Enclosures(s)

11-2-07

(Date Mailed)

cc: **SHRINER'S HOSPITAL FOR CHILDREN****EXHIBIT**

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EEOC Form 5 (5/01)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**210-2005-06526****Illinois Department Of Human Rights**

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

**Glenda M. Lopez**

Home Phone No. (Incl Area Code)

**(708) 452-6658**

Date of Birth

Street Address

City, State and ZIP Code

**8632 Lyndale St., River Grove, IL 60171**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**SHRINER'S HOSPITAL FOR CHILDREN**

No. Employees,

**201 - 500**

Phone No. (Include Area Code)

**(773) 622-5400**

Street Address

City, State and ZIP Code

**2211 N. Oak Park, Chicago, IL 60707**

Name

No. Employees,

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☒ NATIONAL ORIGIN  
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**02-25-2005****06-30-2005**☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I have been employed by the above named Respondent as an Outpatient Appointment Coordinator since November, 2003. On February 25, 2005, Respondent informed the staff that Spanish could not be used except for patient related translation. On March 4, 2005 I filed a complaint against Respondent for not allowing Hispanic employee to speak Spanish in the work place. On June 9, 2005, I met with Respondent to discuss the negative treatment and the different terms and conditions to which I have been subjected since complaining to Respondent about not being able to speak Spanish at work. On June 15, 2005, Respondent gave me a written warning notice for insubordination for speaking Spanish in non-patient related situation.

I believe that I have been discriminated against because of my national origin, Hispanic, and retaliated against in violation of Title VII of the Civil Rights Act of 1964, as amended.

**RECEIVED EEOC****JUN 30 2005**

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary, State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

**Jun 30, 2005**

Date

Charging Party Signature

**EXHIBIT****D**

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Chicago District Office**

500 West Madison St., Suite 2800  
Chicago, IL 60661  
PH: (312) 353-2713  
TDD: (312) 353-2421  
ENFORCEMENT FAX: (312) 886-1168  
LEGAL FAX: (312) 353-8555



EEOC Charge No. 210-2005-06526

Glenda Lopez  
8632 Lyndale Street  
River Grove, IL 60171

Charging Party

Shinner's Hospital  
2211 N Oak Park Avenue  
Chicago, IL 60707

Respondent

**DETERMINATION**

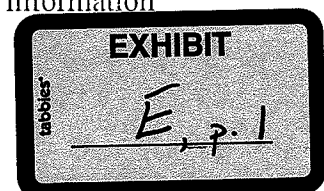
Under the authority vested in me by the Procedural Regulations of the Equal Opportunity Commission (EEOC), I issue the following determination on the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended (Title VII).

The Respondent is an employer within the meaning of the Title VII.

Charging Party alleged that she was discriminated against based on her national origin, Hispanic, in that her supervisor told her not to speak Spanish in the workplace in violation of Title VII. Charging Party alleges that after she complained, she was subjected to different terms and conditions of employment, including receiving a written warning for speaking Spanish in the workplace, in violation of Title VII.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against Charging Party based on her national origin, Hispanic, by not allowing her to speak Spanish in the workplace and retaliating against her by issuing her written discipline in violation of Title VII.

This determination is final. When the Commission finds that violations have occurred, it attempts to eliminate unlawful practices by informal methods of conciliation. Therefore, I invite the parties to join with the Commission in reaching a just resolution of this matter. Disclosure of information



EEOC Charge No. 210-2005-06526

Page 2 of 2

If the Respondent wishes to accept this invitation to participate in conciliation efforts, it may do so at this time by proposing terms for a conciliation agreement; that proposal should be provided to the Commission representative within 14 days of the date of this determination. The remedies for violations of the statutes we enforce are designed to make the identified victims whole and to provide corrective and preventive relief. These remedies may include an agreement by the Respondent to cease engaging in unlawful employment practices, placement of identified victims in the positions they would have held but for the discriminatory actions, back pay, restoration of lost benefits, injunctive relief, compensatory and/or punitive damages, and notice to employees of the violation and the resolution of the claim.

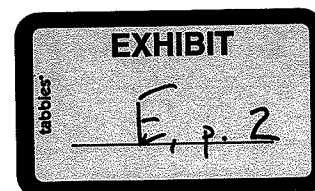
Should the Respondent have further questions regarding the conciliation process or the conciliation terms it would like to propose, we encourage it to contact the assigned Commission representative. Should there be no response from the Respondent in 14 days, we may conclude that further conciliation efforts would be futile or nonproductive.

On behalf of the Commission,

5-16-07  
Date

John P. Rowe  
John P. Rowe  
District Director

Investigator: Percile Bryant, Jr



**NOTICE OF RIGHT TO SUE**  
(CONCILIATION FAILURE)

To: **Glenda M. Lopez**  
8632 Lyndale St.  
River Grove, IL 60171

From: **Chicago District Office**  
500 West Madison St  
Suite 2800  
Chicago, IL 60661

CERTIFIED MAIL 7099 3400 0018 8814 8082



On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

210-2005-06526

**Percile Bryant,**  
Investigator

(312) 353-8180

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If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)

  
**John P. Rowe,**  
District Director

11-2-07  
(Date Mailed)

cc: **SHRINER' HOSPITAL FOR CHILDREN**

**EXHIBIT**

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